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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HOWARD HENRY,

Plaintiff,

v.

WYETH PHARMACEUTICALS, INC., WALTER
WARDROP, ANDREW SCHASCHL, and
MICHAEL McDERMOTT,

Defendants.

05-CV-8106 (KMW) (DFE)

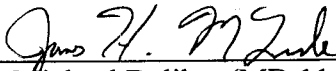
**NOTICE OF MOTION TO
DISMISS THE COMPLAINT, AS
IT APPLIES TO DEFENDANT
ANDREW SCHASCHL**

PLEASE TAKE NOTICE that upon the attached Declaration of Andrew Schaschl dated December 19, 2005, the attached Declaration of James H. McQuade dated December 19, 2005, the accompanying Memorandum of Law in Support of the Motion of Defendant Andrew Schaschl to Dismiss the Complaint, and all prior pleadings and proceedings herein, Defendant Andrew Schaschl will move this Court, before the Honorable Kimba M. Wood, United States District Judge for the Southern District of New York, at the United States Courthouse, 500 Pearl Street, New York, New York, at a date and time convenient for the Court, pursuant to Rule 12(b)(5) of the Federal Rules of Civil Procedure, for an order granting Defendant Andrew Schaschl's motion to dismiss the Complaint filed by Plaintiff Howard Henry, as the Complaint applies to him, for insufficiency of service of process.

Dated: New York, New York
December 19, 2005

Respectfully submitted,

ORRICK, HERRINGTON & SUTCLIFFE LLP

By: 
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